

the brain of a Gladstone and the inflexibility of a Solon. An extreme instance of the disagreements that may arise in a judicial proceeding is found in the famous Maybrick case. Mrs. Maybrick, some twenty-five years ago, was tried for the murder of her husband by the administration of arsenic and the first thing the prosecution had to do was to determine that he had died from arsenic poisoning. Thereupon two witnesses of the highest eminence in the world of Science said that he did so die, and two equally eminent said that he did not. Now, if men of Science, within whose province it is to determine such matters, cannot say positively, how can a Judge or a jury? There, then, was a case involving questions of the highest importance, and yet it is one in which the essential facts could not be proved by earthly skill. Judge, jury and counsel did not know, and apparently the doctors did not know either.

One of the difficulties in dealing with the facts at all is that very often we cannot look at them abstractly—we do not dissociate them from irrelevant surrounding circumstances. We think of the trappings, when we should be thinking of what underlies the trappings, and so follow the Philosophy of Herr Tenfelsdröckh as set forth in the pages of Sartor Resartus.

We have all, at one time or another, seen a group of boys settle points that arise in their games, such as, Who is entitled to the blue ally and who to the green? whose turn is it? and so on. I daresay these points of ownership and of precedence involve questions that may be complicated, but there is always a swift consensus of opinion among the boys that settles the matter on the spot. Why? Because the boys are going straight to the point, unembarrassed by what I have called irrelevant and collateral matters. I have sometimes thought that if we were to reduce the law problems which are presented to us in the guise of contests over many dollars, to contests over marbles, we might find them more simple, and our findings would be at any rate as equitable as if the dollars were in dispute. In the abstract a question involving millions should not be more complex than one involving the possession of a marble, but few of us can look at